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April 14, 2009

VIA HAND DELIVERY

The Honorable Charles L. A. Terreni
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

Re: • Happy Rabbit, a South Carolina Limited Partnership on behalf of Windridge Townhomes, (hereinafter, "Happy Rabbit") v. Alpine Utilities, Inc., (hereinafter, "Alpine"); Docket No. 2008-360-S
• **Response to Alpine's April 14th Correspondence to your Attention**

Dear Mr. Terreni:

Please refer to Alpine's correspondence to you, referenced above. In summary, Happy Rabbit's Complaint is now pending before the Public Service Commission of South Carolina, (hereinafter, "Commission"), as is Happy Rabbit's Motion to Conform to Proof and Motion to Amend Complaint. (The new Complaint of Carolyn L. Cook, for her period of ownership, is also pending before this Commission.) Implicit in these Complaints, is a request for a return of money overcharged to Alpine's customers. (Nonetheless, Happy Rabbit filed its Motion to Conform to Proof and Motion to Amend Complaint to specifically request a return of Alpine's willful overcharge, both of which are pending with this Commission.)

Alpine's April 14, 2009, correspondence to you argues that a request for a monetary refund pursuant to this Commission's willful overcharge Regulation, R.103-533.3 is not before this Commission. **As set forth hereinabove, Happy Rabbit has both a Motion to Conform to Proof and Motion to Amend Complaint seeking a return of monies willfully overcharged by Alpine, in light of § 27-33-50 S.C. Code Ann. (1976, as amended) and R. 103-533.3, pending before this Commission.**

Alpine's April 14, 2009, correspondence to you provides quotes from Happy Rabbit early in this proceeding, before Alpine's admission that a representative of Happy Rabbit contacted

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Alpine on/or about October 6, 2003, and Alpine's *de facto* acknowledgment that 58 other entities (landlords or owners) are "similarly situated." Alpine's admission and acknowledgment could not be anticipated when Happy Rabbit filed its initial Complaint. Alpine's admissions give Happy Rabbit a good faith basis, to not only request a refund, but to allege a willful overcharge by Alpine in violation of R. 103-533.3, S.C. Code Ann. (1976, as amended).

Specifically, Alpine's April 14, 2009, correspondence to you is misleading in its implication that Happy Rabbit's early reference that this Commission may not award monetary damages is of some import in this Docket, it is not. **It is true that this Commission may not award monetary damages, however, this Commission has express authority to require refunds of willful overcharges, in light of Alpine's violations of R. 103-533.3.**

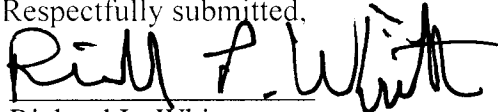
Therefore, quotes from Happy Rabbit early in this Docket and references to Happy Rabbit's position in the Circuit Court, are irrelevant as of this writing. Happy Rabbit's two pending Motions seeking recovery of willful overcharges, as a result of Alpine's admissions, both actual and *de facto*, explain Happy Rabbit's earlier statements.

Alpine's April 14, 2009, correspondence to you, which attempts to posture this Docket as not having any request by Happy Rabbit's to recover willful overcharges pending, is simply incorrect, in light of Happy Rabbit's two pending Motions to recover willful overcharges from Alpine.

Also, Happy Rabbit restates and re-alleges its, *in pari materia* argument as previously made in this Docket.

Based on the foregoing, the Pleadings and files in this Docket, the Complaints of Carolyn L. Cook and Happy Rabbit should not be dismissed.

Respectfully submitted,



Richard L. Whitt
Jefferson D. Griffith, III

Counsel of Record for
Happy Rabbit, a South Carolina
Limited Partnership on behalf of Windridge
Townhomes and
Carolyn L. Cook

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2008-360-S**

IN RE:

Happy Rabbit, LP on Behalf of,
Windridge Townhomes,

Complainant,

v.

Alpine Utilities, Inc.,

Respondent

CERTIFICATE OF SERVICE

SC PUBLIC SERVICE
COMMISSION

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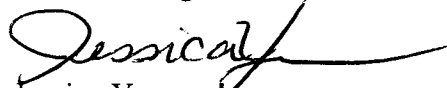
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I, Jessica Yun, an employee of Austin & Rogers, P.A., certify that I caused to be delivered a copy of Happy Rabbit's Response to Alpine's April 14th Correspondence in the above referenced matter as indicated below, via Hand Delivery as addressed below, or e-mail on April 14, 2009.

Attorney Benjamin P. Mustian
930 Richland Street
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Via Hand-Delivery

Nanette S. Edwards, Esquire
Via e-mail

Austin & Rogers, P.A.


Jessica Yun

Columbia, South Carolina
April 14, 2009

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